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92-00104

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January 13, 1992

Honorable W. Van Davis
District Attorney
Thirtieth Judicial Circuit
Post Office Box 429
Pell City, Alabama 36125

Counties - County Commissions -
Judicial Division Lines - Venue

The Judicial Division Line of St. Clair County corresponds to the precinct lines as they existed in 1907 when the last legislative act creating the line was passed.

Dear Mr. Davis:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTIONS

1. Does the St. Clair County Commission have the authority or jurisdiction to modify or change the Judicial Division Line in St. Clair County?

2. Since the Southern Judicial Division was created by Constitutional Ordinance, do territorial changes in the Judicial Division have to be affected by Constitutional Amendment?

3. Does the current Judicial Division Line of St. Clair County, Alabama, correspond to the appropriate beat lines as they existed in 1901, or does the Judicial

Division Line correspond to the beat lines as they currently exist as modified over the years by the County Commission?

FACTS AND ANALYSIS

Your request states as follows:

As District Attorney of the 30th Judicial Circuit, I am charged with the responsibility of prosecuting criminal cases in Blount and St. Clair Counties. As part of my responsibilities, I am required to determine the proper venue or forum for the prosecution of such cases. As you probably know, St. Clair County has two courthouses, one located in Ashville and the other located in Pell City. While Ashville is the county seat of St. Clair County, there was created by Ordinance No. 390 adopted by the Constitutional Convention of the State of Alabama of 1901, a Southern Judicial Division of St. Clair County. This Ordinance and the enabling legislation, being Act No. 40 approved by the Alabama Legislature on February 17, 1903, created a Southern Judicial Division consisting of precincts 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21, in St. Clair County. Subsequently, by Act No. 385 approved by the Legislature on July 19, 1907, Precinct No. 9 was transferred from the Southern Division to the Northern Division of St. Clair County

In the intervening years since the adoption of the above Acts, the St. Clair County Commission has created new precincts or beats, dissolved some beats, and has drawn new beat or precinct lines as population changes have occurred. Since the Southern Judicial Division was defined by beats, the division line between the Northern and Southern Judicial Division corresponded to the beat lines which separated those beats in the Northern and Southern Divisions of the County.

Because the beat lines have been altered over the years by the County Commission, a question has arisen as to whether the Judicial Division Line also changes when the corresponding beat lines are modified or altered by the County Commission.

Our research reveals that two judicial divisions were created in St. Clair County pursuant to Act No. 53, Acts of Alabama 1907, approved by the Legislature on February 23, 1907. Section 2 of the Act provides:

"That said county shall be divided into two judicial divisions as follows:
Precincts Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 18 and 22 shall constitute and be known as the northern judicial division; and
Precincts Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 shall constitute and be known as the southern judicial division; and in both of said divisions the civil and criminal business of said court shall be taken up and disposed of in the manner prescribed by law."

Pursuant to Act No. 385, Acts of Alabama 1907, approved by the Legislature on July 19, 1907, Precinct Number 9 was transferred from the Southern Judicial Division to the Northern Judicial Division.

The county governing body has the authority to establish and change the configuration and boundaries of election precincts within the county. Code of Alabama 1975, § 17-5A-1, et seq. However, it is our opinion that this authority does not permit the County Commission to amend a legislative act establishing Judicial Division Lines. In other words, the County Commission may alter the boundaries of precincts for election purposes but for purposes of the Judicial Division Line the boundaries correspond to the lines of the precincts as they existed in 1907 when the last legislative act creating the Judicial Division Line was passed.

We also note that in Ex parte Longmire, 584 So.2d 503 (Ala. 1991), the Alabama Supreme Court held that two separate

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judicial districts are not created for purposes of venue but rather for economy and convenience.

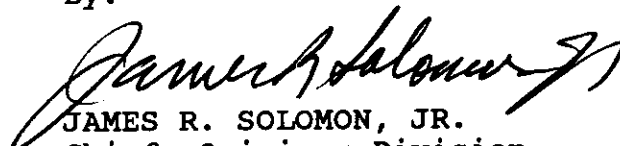
CONCLUSION

Based upon the foregoing, it is our opinion that the Judicial Division Line of St. Clair County corresponds to the precinct lines as they existed in 1907 when the last legislative act creating the line was passed.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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